

1 any time you can get the magistrate to come down to set the
2 bail. The present state of the Maryland practice is there
3 is a good deal of common sense used as to when the magis-
4 trate is going to be available to set bail. This would
5 make what has grown up to be subversion of the law, bring
6 it in consonance with the law and instead of operating
7 through the back door the judge could operate through the
8 front door.

9 THE CHAIRMAN: Delegate Bothe.

10 DELEGATE BOTHE: Would then a court be able to
11 determine that an individual activity, while perhaps not
12 criminal or dangerous, were nevertheless disturbance of
13 the public peace and for that reason restrain him for
14 whatever period the court could justify to hold him pend-
15 ing trial on some offense of which he was accused?

16 THE CHAIRMAN: Delegate Grant, you have left
17 time enough only to answer that question.

18 DELEGATE GRANT: I point out to Delegate Bothe
19 first of all that this Elwood versus Ocean City case dealt
20 with that point, and secondly that breach of peace is a
21 recognized criminal offense.